(33)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. C.J.

Writ Petition No.5746 of 2007

Petitioner (Non-applicant) : Mahesh Kumar, S/o Deolal aged about 26 years, R/o village Katro, PS Utai, Tah And Distt. Durg (CG)

Versus

Respondents (Applicants)

1. Yasoda W/o Mahesh Kumar aged about 23 years, cast Teli R/o village Khamariya, PS Patan, Tah and Distt Durg (CG)

2. Tikendra Kumar, S/o Mahesh Kumar, aged about 2 ½ years, cast - Teli, R/o village Khamariya, The and PS Patan, Distt Durg (CG) Through : Smt.Yasoda Sahu (Mother)

Writ Petition under Article 227 of the Constitution of India

Present: Shri RS Baghel, counsel for the petitioner.

ORAL ORDER

(Passed on 20th September, 2007)

Respondent No.1 / wife moved an application under Section 125 of the Code of Criminal Procedure before the Third Additional Principal Judge, Family Court, Durg, Chhattisgarh praying for maintenance for herself and her son; and the Court has awarded maintenance of Rs.1300/- which has been bifurcated as Rs.1000/- for respondent No.1, and Rs.300/- for respondent No.2.

Learned counsel for the petitioner submits that petitioner is a labourer and earns very meager amount. Therefore he has approached this Court praying that his financial status does not permit him to pay the maintenance amount as directed by the Court.

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In the facts and circumstances of the case the relief prayed by the petitioner can not be granted and accordingly, the petition is dismissed at this stage.

It would be open for the petitioner to approach the Mediation Centre for reconciliation.

Sd/-
Ag. Chief Justice

padma